

## **REMARKS**

In this response to the above-identified Office Action, Applicant respectfully requests reconsideration in view of the above amendments and following remarks. Claims 1, 6, 12, 13, 16, and 17 have been amended. No claims have been added or cancelled. Accordingly, claims 1-6 and 8-17 are pending in the application.

### **Interview Summary**

Applicant greatly appreciates Examiner's time in discussion via telephone conference on March 12, 2009. Examiner and Attorney for the Applicant discussed proposed amendments to the independent claims. Examiner agreed to further consider the amendments upon filed submission, as Applicant has included in the response herein.

### **Claim Amendments**

Applicant has amended Claims 1, 6, 12, 13, 16, and 17 to include "wherein the adjustment includes minimizing one of yellow and purple color in the projected gray-level image" (emphasis added) or similar limitations. Support for the amendments and the new claim may be found at least at ¶¶ 0017 and 0018 in the specification. Applicant respectfully submits that no new matter has been added.

### **Claims Rejected Under 35 U.S.C. § 103**

To establish a prima facie case of obviousness, the Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim. See In re Vaeck, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991). Further, the combination of elements must be more than the predictable use of prior art elements according to their established functions. See KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, 127 S. Ct. 1727 (2007).

Claims 1-6, 8-12, and 14-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Int'l Pub. No. WO 01/95544 by Ben-David et al. (hereinafter "Ben-David") in view of U.S. Pat. No. 5,774,196 issued to Marshall (hereinafter "Marshall") and in view of U.S. Pub. No. 2002/0163527 by Park (hereinafter "Park"). Applicant respectfully disagrees for the following reasons.

**Claim 1**, as amended, includes “wherein the adjustment includes minimizing one of yellow and purple color in the projected gray-level image” (emphasis added). Examiner has not relied upon and Applicant has not been able to discern any part of Ben-David, Marshall or Park that teaches or suggests the above limitations. Thus, Ben-David in view of Marshall in view of Park does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Independent **Claims 6, 12, 16, and 17**, as amended, include elements similar to those of amended Claim 1. Thus, at least for the reasons mentioned above in regard to independent Claim 1, Ben-David in view of Marshall in view of Park does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

**Claims 2-5, 8-11, 14, and 15** depend from independent Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to the independent claims, Ben-David in view of Marshall in view of Park does not teach or suggest each of the elements of these dependent claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marshall in view of Park. Applicant respectfully disagrees for the following reasons.

Independent **Claim 13**, as amended, includes elements similar to those of amended Claim 1. Thus, at least for the reasons mentioned above in regard to independent Claim 1, Marshall in view of Park does not teach or suggest each of the elements of this claim. Accordingly, reconsideration and withdrawal of the obviousness rejection of this claim are requested.

#### **Request for Telephone Interview**

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should Examiner believe a subsequent office action to be necessary, Applicant requests the opportunity of a telephone interview with Examiner, prior to issue of such office action. The undersigned may be reached at the telephone number set out below.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 50-2421.

Sincerely,

Dated: March 12, 2009

\_\_\_\_/David R. Stevens/\_\_\_\_\_  
David R. Stevens  
Reg. No. 38,626

Stevens Law Group  
1754 Technology Dr., Ste. 226  
San Jose, CA 95110  
Phone (408) 288-7588  
Fax (408) 288-7542